

SEP 14 2011

FCC Mail Room

COVER SHEET

BLUE EARTH AREA SCHOOLS #2860

Date: 9/7/11

To: Federal Communications Commission (FCC)
Office of the Secretary
445 12th Street SW
Washington, DC 20554

RE: Waiver Request - CC Docket No. 02-6

From: Alan Wilhelmi

Title: Fiscal Services Coordinator

Phone # - (507) 526-3188, ext. 231

Fax # - (507) 526-2432

Number of Pages (Including Cover Pg.) 7

Comments:

To Whom It May Concern:

Please find attached a FCC Waiver Request regarding the funding decision that was made by USAC concerning Form #471 Application Number: 798814. An appeal was sent to USAC on August 24, 2011, within the 60 day appeal requirement, and after receiving their reply (see attached), I'm submitting the attached waiver request within the allowable time period. All questions regarding this waiver request can be directed to me at (507) 526-3188. Thank you.

Sincerely,



Alan Wilhelmi
Fiscal Services Coordinator
Blue Earth Area Schools #2860

FCC WAIVER REQUEST – CC Docket No. 02-6

Received & Inspected

SEP 14 2011

FCC Mail Room

Applicant Name: Blue Earth Area School #2860
Billed Entity Number: 133769
Form #471 Application Number: 798814
Funding Request Number(s): 2238754, 2238755, 2238756, 2238757

To Whom It May Concern:

Please consider this letter to be the official waiver request of Blue Earth Area Schools #2860 regarding the funding decision announced in the letter dated July 11, 2011, whereby, Blue Earth Area Schools was informed by USAC that the above referenced Form #471 was considered to have been "Postmarked Outside of Window."

As outlined in that correspondence, we are appealing this decision and are providing the following information as requested.

1. Questions regarding this appeal should be directed by mail to:

Alan Wilhelmi
Blue Earth Area Schools #2860
315 E. 6th Street
Blue Earth, MN 56013-2006

Correspondence can also be made by phone at (507) 526-3188 or by email at:
awilhelmi@blueearth.k12.mn.us

2. This letter is an appeal and waiver request. The exact text being appealed is "Funding Year 2011 Form 471 Postmarked Outside of Window Letter."

We are appealing this decision for several reasons. First, the USAC website informs applicants that the filing window is open each year and displays a countdown that applicants rely upon to file required documents. On the attached USAC website screen shot dated 2/17/2011 (see Example #1), applicants were informed "The FY2011 Window is Now Open" and "35 days, 14 hours, 24 minutes, and 8 seconds remaining." Our district relied on that information and understood we had to file our FCC Form #470 by that deadline. On March 9, 2011, FCC Form #470 Application Number: 630200000924992 was filed and I received confirmation that the form was successfully certified (see Example #2). On March 11, 2011, I contacted USAC to determine our earliest allowable contract date. I spoke with a representative named Gloria (case #22-191040) and was informed that our earliest allowable contract date would be April 6, 2011.

We then followed program rules, posted FCC Form #470 and waited the required 28 day period before selecting a service provider. On April 12, 2011, FCC Form #471 Application Number: 798814 was filed and I received confirmation that the form was

successfully certified (see Example #3). As a result, I was surprised to receive the letter dated July 11, 2011, indicating our application was postmarked outside of window, since program rules determine when the filing of a FCC Form #471 can be submitted. In hindsight, I feel the countdown information provided on the USAC website created confusion with regard to the filing window.

If USAC continues to inform applicants that the window is open for 73 days, etc., it should specifically state on the countdown screen that applicants must subtract a minimum of 28 days from the filing window deadline to allow adequate time for the posting of the Form #470. Without that information, I was led me to believe that I was actually filing my Form #470 a couple of weeks before the March 24th deadline. In my opinion, those circumstances created this "outside of window" issue.

On behalf of our school district, I'm requesting that the FCC grant our school district this waiver request so our school district can continue receiving this important source of funding. Thank you in advance for your consideration and any ongoing support you are able to provide.

Sincerely,



Alan Wilhelmi
Fiscal Services Coordinator
Blue Earth Area Schools #2860
(507) 526-3188

Attachments

Block 5 Page C - Windows Internet Explorer

http://forms.universalservice.org/ConnectPDApp/FY14_470certNET.aspx

File Edit View Favorites Tools Help

Block 5 Page C

FCC Form 470
Universal Service Program Description of Services Requested and Certification Form

Applicant's Form Identifier: A2012 Entry Number: 133769
Contact Person: Phone Number: () -
FCC Form Approval by CHB
2540-0630

Do not write in this area

470

Windows Internet Explorer

The form has been successfully certified. Your cert ID is: 744215. Please print this page for your records.

OK

Form 470 Application Number: 63020000924992

16. I certify that the applicant includes: (Check one or both.)
a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801 (18) and (38) that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools (including but not limited to elementary and secondary schools, colleges and universities)

17. ☒ I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized

Done Internet 100%

Start Eudora [In] Block 5 Page C - Wind...

EXAMPLE #2

http://forms.universalservice.org/ConnectPINApp/FY14_471certNET.aspx?benid=133769&appid=79814 - Windows Internet Explorer

http://forms.universalservice.org/ConnectPINApp/FY14_471certNET.aspx?benid=133769&appid=79814

FCC Form 471
Services Ordered and Certification Form

Applicant's Form Identifier: A2012 Entity Number: 133769
Contact Person: Alan Wilhelmi Phone Number: (507) 526-3188

Block 6: Certifications and Signature

Windows Internet Explorer

The form has been successfully certified. Your cert ID is: 775382. Please print this page for your records.

OK

471 Application Number: 79814

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are:
(Check one or both.)

a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (36), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million, and/or

b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to, elementary, secondary schools, colleges, or universities.

25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internet connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding.

Done

start Eudora - [in] http://forms.univer... 10:30 AM

EXAMPLE #3



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2011-2012

Received & Inspected
SEP 14 2011

August 31, 2011

FCC Mail Room

Alan Wilhelmi
Blue Earth Area School #2860
315 E 6th St
Blue Earth, MN 56013-2006

Re: Applicant Name: BLUE EARTH AREA SCHOOL #2860
Billed Entity Number: 133769
Form 471 Application Number: 798814
Funding Request Number(s): 2238754, 2238755, 2238756, 2238757
Your Correspondence Dated: August 24, 2011

The Universal Service Administrative Company (USAC) received your request for a waiver of the Application Filing Deadline for Funding Year 2011 of the Schools and Libraries Universal Service Support Mechanism.

Federal Communications Commission (FCC) rules do not permit USAC to consider requests for waivers. If you believe there is a basis for further examination of your request, you may file a waiver request with the FCC. You should refer to CC Docket No. 02-6 on the first page of your waiver request to the FCC. If you are submitting your waiver request via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing a waiver request with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company